

REMARKS

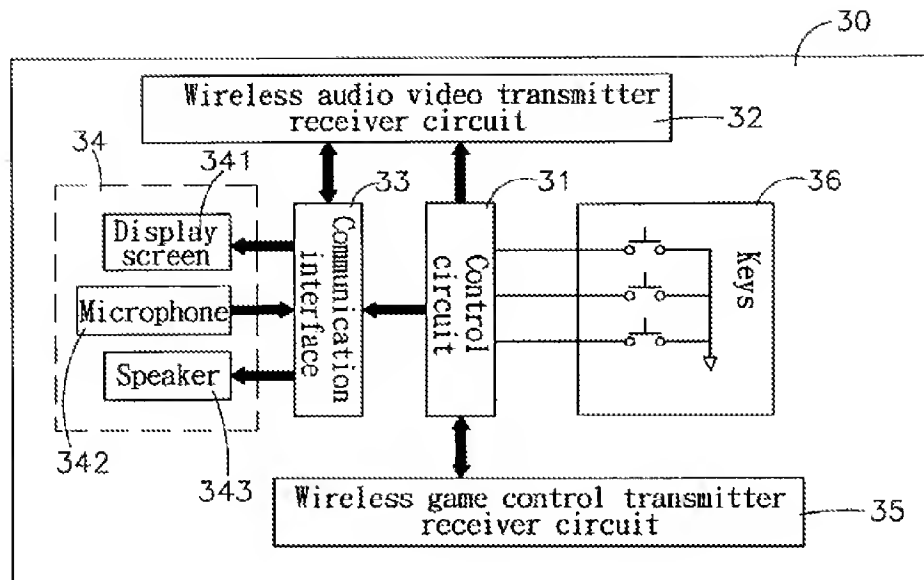
Claims 1-30, 35-43, and 45-49 are pending. Claims 1, 15, 30 and 49 have been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, Figs. 3 and 4 and ¶¶[0026 and 0027] of the corresponding U.S. Pub. No. 2005/0202872. No new matter has been introduced.

Claims 1, 2, 15, 16, 29, and 45-49 have been rejected under 35 U.S.C. §102(e) as being anticipated by *Peng* (U.S Publication No. 2004/0152487).

The claim features as set forth in the amended claims 1, 15, 30 and 49 from which other pending claims depend recites, *inter alia*, **“a processor coupled to a transceiver and configured to process a captured speech and game data, and support controlling of a game through the game data or captured speech processing.”** For example, this feature is fully supported by Fig. 3 in which the processing unit 300 is coupled to a radio transceiver 302, as well as being coupled to by a speaker 304, microphone 306 and game control 308, and Fig. 4 in which the processing unit 300 supports controlling of a game through a game data or captured speech processing.

By contrast, the control circuit (31) disclosed in the *Peng* reference is merely coupled to keys (36) while outputting signals to an audio transceiver circuit (32), communication interface (33) and game control transceiver circuit (35). Specifically, it is the communication interface (33), rather than the control circuit (31), that communicates with a microphone (342) and speaker (343). Indeed, as shown in Fig. 3 below, the arrows indicate that the control circuit 31 does not

process any signals from the microphone (342), noting that such signals are sent to the audio transceiver (32) by way of the communication interface (33).



It is therefore clear that, unlike the claimed processing unit, the control circuit (31) from the *Peng* reference simply does not communicate with or process audio signals. Indeed, the *Peng* reference as illustrated in Fig. 3 teaches away from such claimed feature in that the microphone (342) is shown coupled to the communication interface (33) and away from the control circuit (31) (see opposite arrows in Fig. 3 of the *Peng* reference as shown above). A reference should be considered as a whole, and portions arguing against or teaching away from the claimed invention must be considered. See *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve Inc.*, 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986).

Claims 3-6, 10-14, 17-20, and 24-28 have been rejected as obvious under 35 U.S.C. §103(a) based on *Peng* in view of *Heden* (U.S. Publication No. 2006/0165027, "*Heden*").

Heden fails to compensate for the above discussed deficiency of *Peng* with respect to a processor coupled to a transceiver and configured to process a captured speech and game data in

order to support controlling of a game through the game data or captured speech processing as set forth in amended claims 15 and 49 from which claims 3-6, 10-14, 17-20, and 24-28 depend, respectively. As such, the Examiner's withdrawal of this rejection is respectfully solicited in view of the claim amendments.

Claims 7-9 and 21-23 have rejected as obvious under 35 U.S.C. §103(a) based on *Peng* and *Heden* and in view of *Marejka et al.* (U.S. Publication No. 2003/0135639, "*Marejka*").

Marejka fails to compensate for the above discussed deficiencies of *Peng* and *Heden* with respect to a processor coupled to a transceiver and configured to process a captured speech and game data in order to support controlling of a game through the game data or captured speech processing as set forth in amended claims 15 and 49 from which claims 7-9 and 21-23 depend, respectively. As such, the Examiner's withdrawal of this rejection is respectfully solicited in view of the claim amendments.

Claims 30, 35, and 39-43 have been rejected as obvious under 35 U.S.C. §103(a) based on *Peng* in view of *Heden*.

Heden fails to compensate for the above discussed deficiency of *Peng* with respect to a processor coupled to a transceiver and configured to process a captured speech and game data in order to support controlling of a game through the game data or captured speech processing as set forth in amended claim 30 from which claims 35 and 39-43 depend, respectively. As such, the Examiner's withdrawal of this rejection is respectfully solicited in view of the claim amendments.

Claims 36-38 have rejected as obvious under 35 U.S.C. §103(a) based on *Peng* and *Heden* and in view of *Marejka*.

As discussed above, *Marejka* fails to compensate for the above discussed deficiencies of *Peng* and *Heden* with respect to a processor coupled to a transceiver and configured to process a captured speech and game data in order to support controlling of a game through the game data or captured speech as set forth in amended claim 30 from which claims 36-38 depend, respectively. As such, the Examiner's withdrawal of this rejection is respectfully solicited in view of the claim amendments.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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June 14, 2011
Date

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